

INCORPORATION OF ASTORIA

by Liisa Penner, July 30, 1989

When was Astoria incorporated? 1856, 1873, or 1876?

My "Oregon Almanac and Book of Facts for 1961-2", Binford and Mort Publishers, 1961, says it was 1876. Emma Gene Miller's book, "Clatsop County, Oregon", gives an 1876 date, reporting that, "The city councilmen for Astoria met on June 6, 1876, shortly after incorporation of the town. C.J. Trenchard was elected president and other members of the committee were James Taylor, W.W. Parker, James Welch, and Conrad Boelling. The first man to be mayor of Astoria was William F. Kippen, who took office in August, 1873." These two sources appear to be in error in regard to date of incorporation.

The Oregon State Government Printing Office in 1858 printed a book which included "Laws of a Special Nature". On page 3 was "AN ACT to incorporate the Town of Astoria" (1856). On page 98 and 99 of this same book was "AN ACT to amend an act passed January 18th, 1856, to incorporate the town of Astoria". This amended act dated to 1858. A copy of this Oregon State Printing Office book is at the Heritage Center in Astoria. In 1873, the "Charter of the Town of Astoria and Rules and Regulations for the Government of the Common Council" was printed. An old copy of this book is located in the Special Collection of the Library at the University of Washington in Seattle (N 79.541 34c 1873). There may be other acts or amendments to the Astoria Town/City Charter in this time period that I am not aware of.

1856 Act

The 1856 act defined the boundaries of the town of Astoria. It stated that the government of the town would be vested in a board of five trustees, then listed their functions and described the rules of operation of the board.

Section 2 of this act stated, "The inhabitants of the town of Astoria, within the limits above described, shall be and they are hereby constituted a body politic and corporate, in fact and in law, by the name and style of the "Town of Astoria," and by that name they and their successors shall be known in law, and have perpetual succession, sue and be sued, plead and be impleaded, defend and be defended, in all courts of law and in all actions whatsoever; may purchase, hold and receive property, real and personal, within said town, for public buildings, school purposes and town improvements; may lease, sell and dispose of the same, for the benefit of the town; may purchase, receive and hold property, real and personal, within and beyond the limits of the town, to be used for burial purposes, and for the reception of persons affected with contagious or other diseases, and for

work-houses and houses of correction, and for the construction of water-works to supply the town with fresh water; and may lease, sell and dispose of the same for the benefit of the town; and they shall have and use a common seal, and alter and break the same and make a new one at pleasure."

The area described in this 1856 charter was defined as follows; beginning in the middle of the channel of the Columbia River, due north of the northern terminus of Broadway (24th) and Salmon (25th) streets, then south to the middle of the northern end of Salmon street (Franklin?); then southerly along the middle of Salmon street to Berry (Jerome); then westerly along the middle of Berry to Block 56 (13th and Jerome) in Shively's Astoria; continuing westerly to Block 54 in McClure's Astoria (1st and Franklin?), then north to the middle of the channel of the Columbia River, then easterly along the middle of the channel to the point of beginning. In effect, the town of Astoria included the north western half of Shively's donation land claim and the northern half of McClure's. Astoria, at this time, had no streets worthy of the name and very few houses above Grand Ave which may account for the southern boundary crossing from Jerome to Franklin.

1858 act

The January 25, 1858 amended act only redefined the limits of the town of Astoria. It commences in the "middle of the main channel of the Columbia river, due north of Fifth street [doesn't say if it is Shively's or McClure's], thence south to the bank of said river, thence south four blocks, thence southerly[??] till it strikes the line of John McClure's land claim, thence following the survey of John M. Shively". This is a very sloppy description and appears to encompass only Shively's DLC and very little of it, from modern 18th on the east to 13th on the west and four blocks up from, possibly, Exchange to Jerome.

1873 act

The 1873 charter of Astoria was described in the book as being "AN ACT To Incorporate the Town of Astoria". In this book, each original amendment from 1856 was listed, followed by the 1873 amendment. The 1873 charter makes no mention of the 1858 amendment. One of the most important changes was the provision for the replacement of the five trustees by a Mayor, six Councilmen, a Recorder, a Marshal, a Treasurer and a Commissioner of Streets and Harbor.

The description of the town changed to: "Beginning at the north-east corner of Shively's amended plat and running thence south, along said plat, to the south-east corner thereof; then west, along said plat to the south-west corner thereof; thence, by a direct line to the south-west corner of McClure's plat, as originally recorded; thence due west

twenty rods; thence north, to the State line; thence east, along line to a place north of the place of beginning; thence south to the place of beginning." This is the north facing slopes of the donation land claims of McClure and Shively plus twenty rods west of McClure's.

1876 act

An article in an Astoria newspaper dated October 28, 1876 reports that the Oregon legislature enacted a new "city" charter. The word "city" is in italics in the original. It states that its provisions have been borrowed from those of Portland and San Francisco.

This act extends the boundaries to include Shively, McClures, McClure's extended by Olney, Olney's extended by Hustler and Aiken and twenty rods of the north part of the Hinman tract. Roughly the area is from the Columbia River on the north to Young's Bay on the south and from about Humel[?] on the west to 32nd on the east.

A letter to the Astorian newspaper of December 2, 1876 says, "A certified copy of the City Charter has been received by the City Attorney from Hon. S.F. Chadwick, Secretary of State. In a private letter to the Mayor of this now 'full fledged city,' the Hon. Secretary, referring to the work required to copy the document in Salem, says: 'The work is immense on that charter. It must have been got up in vacation of the fishing season, when all hands could lend a hand in preparing it. I think you are ahead of Portland on charter anyhow. Anybody who violates your charter has no respect for the size of anything! Still I do not see what could be left out. It is immense.'"

Two years later a different view was given in an article in a local paper of February 16, 1878 which said, "We do not have any city government here and do not need any. No arrests are made here, for everybody seems to be sober, quiet and industrious. We have a justice of the peace, but he has not made enough out of the office yet to pay for his docket book. We had a constable once but he resigned and left--cause, want of business."

Was the reason that the date of incorporation was reported as 1876 lie in the use of the terms "city" and "town"? Possibly. The charter of 1873, itself, is titled "Charter of the Town of Astoria". The change to the mayoral form of government in 1873 appears not to have been a sufficient reason to warrent the term "city". Ordinances dating to 1875 and 1876 began, "THE PEOPLE OF THE TOWN OF Astoria do ordain as follows:..". In 1877, the term "city" is used in the place of "town" in these ordinances. However, an article from an Astoria paper of July 3, 1873 refers to a "City Recorder" and one from May 22, 1875 refers to a "City Treasurer". It appears that some Astorians assumed the

title, of "city" for Astoria, before Astoria had its city charter of 1876.

Definitions

What is the definition of incorporate, corporation, city and town? My "The New CENTURY DICTIONARY" copyright 1946 defines these terms as follows:

Incorporate - "To form or combine into one body or uniform substance...to form into a society or organization...to constitute as a legal corporation."

Corporation - "A number of persons united or regarded as united in one body; specif., an artificial person, created by law, or under authority of law, from a group or succession of natural persons, and having a continuous existence irrespective of that of its members, and powers and liabilities distinct from those of its members (as a corporation aggregate, one consisting of a number of members at the same time, as the mayor and aldermen of a city or the governing body of a college..."

City - "A town or village; a large or important town; in the U.S., an incorporated municipality, usually governed by a mayor and a board of aldermen or councilmen; also, the inhabitants of a city collectively..."

Town - "An inclosed piece of ground; the inclosed land surrounding or belonging to a dwelling; a house or a collection of houses or buildings, upon an inclosed piece of land, or a homestead or farmstead; also, a village or hamlet...; a collection of inhabited houses larger than a village and having more complete local government; in a general sense, a city or borough...also, in some States of the U.S. as in New England, a municipal corporation with less elaborate organization and powers than a city; in other States, an administrative district consisting of a division of a county; a township; also the body of the inhabitants of the town..."

While these definitions do not clearly distinguish between a city and town, the stated definition above for town, a municipal corporation with less elaborate organization and powers than a city, seems to apply to the year 1876, as that is the year when the "immense" charter was adopted.

Other reference:

The "Ore Bin", Vol. 25, No. 7, July 1963 in an article by Betty Rae Dodds, presents a slightly different interpretation of the changing definitions of Astoria and includes some other changes in the boundaries of Astoria. A copy of this book is available in the Astoriana Collection of the Astoria Public Library.

A4

July 31, 1989

Dear Bruce:

Jim Dennon asked me if I knew where the Astoria City Government met before they moved into the building on 16th and Exchange streets and if I could let him know by today (31st). I looked through the newspaper index cards and asked Bonnie, Roger Tetlow and Mrs. Gault. I only know of its location for a period of time in the 1870's and later. It seems interesting to me that information on the location of the county courthouse is well-documented, but that for the city of Astoria seems not to be.

Shirley Schonleber had written the genealogy society that she had worked on a project of transcribing the Astoria meeting minutes, I think. I wondered if these minutes were from the last century or the present. If from the past (and more interesting to me), are they available for research? Can you help us answer the question of the location of the Common Council?

The attached is what I have found in my search to answer Jim's question.

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Common Council Building

Astoria was incorporated in 1856. Where were town/city council meetings held? Part of the answer is given below. But where did the council meet before 1873? More research is needed to answer this question.

"Astoria Fire Department Souvenir 1870-1905", compiled by Allen M. Robinette, pub. 1905

...On August 25th, of this year [1873], a meeting was called to consider a communication from the Common Council requesting the use of the Company's hall as a meeting place. After much discussion it was agreed that that body should be granted the privilege, provided they furnished and fitted up the same, and that they hold no meetings on the dates upon which the regular meetings of the company fell. While there is nothing in the records to show where the hall mentioned above was located, or who furnished the funds for its erection, we learn from a reliable source that it stood on the corner of what is now Commercial and Seventh streets, where No. 1 Hose House now stands, and was built with funds raised by the Company for that purpose. The building was later sold and removed and a part of it is at present used as quarters for the Irving Club, on Eleventh street....That the occupation of the Company's room by the Common Council soon became a source of discontent among the members is made evident by a motion introduced March 11, 1874. That motion was read but lost, and consisted of the following: "Moved that we devise some means of turning the Common Council out of this hall." ...Friday, October 7th, following, the company assembled in special meeting for the stated purpose of ascertaining "whether we, the Company, or the Town Council own this building." Spicey speeches were made by various members. J.W. Gearhart was present as a committee from the Council and stated that the desire of that body was to learn the amount the firemen considered their interest in the building was worth, with the object in view of purchasing the same. Mr. Welch moved that the Town Council be in future excluded from the building; the motion was amended giving them thirty days to move therefrom and the amended motion was carried.

Astoria Newspaper articles

7-3-73

The regular meeting of the Common Council was held at the Council Chamber at 8 o'clock Tuesday evening. President I.W. Case is in the chair....

12-2-73

We understand the Common Council will to-night occupy the new chambers, corner of Chemoque[sic] and Lafayette streets [Commercial & 7th]. There is room for all.

12-4-73

Common Council Proceedings. [Exerpts]

The Common Council assembled in regular session at the new Council Chamber, Tuesday evening, Mayor Kippen presiding.

Present--Messrs. Wright, Page, and W. W. Parker, Councilmen and Messrs. C. Stevens, Recorder and E.A. Taylor, Street Commissioner.

Absent--Councilmen Reed, Hobson and Ferrell.

....Concerning the furnishing of the new Council Chamber, the special committee reported that they had fulfilled their duty so far as they were capable, considering the financial situation of the city. The room had been furnished "as you see it," at very moderate expense of \$112.08 and on motion of Mr. Parker a warrant for that sum was ordered in payment of the bill in favor of Charles Stoll.

Mayor Kippen took occasion to compliment the committee for their taste and good judgement. The room was handsomely furnished for this embryo city, and the furniture was of a substantial character, would last a number of years, and he felt confident that no tax payer who had the good of the city at heart would be found who would not feel a pride in the matter.

Mr. Page as one of the committee, replied thanking Mr. President for his compliment. He stated that the committee had been guarded in its action knowing full well that the finances of the city would not justify heavy expenditures of any kind at this time. He had hoped that the committee on finances would be present this evening to make a report on city finances, as there was now a matter pending which called for considerable ready funds not on hand. So far as he had been able to ascertain, the finances stood about thus; For collections from licenses, etc., prior to the 4th of February 1874, they might expect \$300. Tonight warrants were ordered for about \$570; which together with outstanding indebtedness would leave a balance against the Treasury of perhaps \$700 to \$800. In order to meet this deficiency he thought it would be necessary to levy a special tax at any early day, and would suggest that the Auditor make out a roll from the county assessment, with this view.

1-6-78

--Work was resumed on the new city hall yesterday.

2-9-78

..Proposition of Bain & Furguson to do extra work on city building, and turn the structure over to the city next month, was referred to committee on public property. [City Hall?]

6-1-78

Rescue No. 2's boys are so proud of their new apartments in the city hall building that they are coming up heroically with the matter of furnishings. The carpets, curtains, cornices, etc., are obtained from Mr. Heilborn, and there is a neatness pervading every item which is creditable to the firemen, and to the furnisher.

6-8-78

It must be distinctly understood that the fire alarm bell belongs to the Astoria fire department, not to the city of Astoria. Just to whom the fire department belongs we don't pretend to say, without an analysis of this municipality. [see argument over quarters above]

8-10-78

Firemen's Election Notice

....the polling place designated is the house formerly occupied by Rescue Engine Co. No. 2, situated in Genevieve street, adjoining the city hall.

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IMPORTANT EVENTS FROM TOWN OF ASTORIA TRUSTEES MEETINGS, 1856-1871

Prepared by
Ms Schoenleber

IMPORTANT EVENTS FROM TOWN OF ASTORIA TRUSTEES MEETINGS, 1856-1871

Page 1 6/6/1856 Town of Astoria organized. Committees formed:
Roads and Harbors, Finance, Licenses, Schools
" 2 Ordinance drawn to collect revenue from sale of liquor 6/17/1856
" 2 6/18/1856 Ordinance passed for keeping billiard tables and
10 pin alleys
" 2 6/23/1856 W. W. Parker and H. B. Parker ask to lay lead pipe to
house & saw mill under construction.
" 3 6/30/1856 Caleb Goodwin granted a license to sell spiritous
liquors and keep a ten pin alley
" 4 8/4/1856 Committee formed to select a cemetery location
" 4 8/18/1856 A bill presented to tax dogs
" 4 8/18/1856 Passed a resolution to improve the street between
the Methodist meeting house and James Welches house
" 5 9/1/1856 A bill presented to regulate the duties of Marshall
A bill presented to authorize the marshal to make all necessary
preparations to secure houses from fire.
" 6 9/6/1856 Petition of Conrad Boelling granted for conveying water
by trough through the streets to his house
" 6 9/16/1856 An ordinance to restrain swine from running at large
was adopted. Also an ordinance to restrain dogs from running
at large
" 7 11/10/1856 Read an ordinance to regulate theatrical performances
also presented a bill to punish riotous conduct and disturbances
of the peace, and presented details of the fire marshalls job.
" 3 Ordinance 5, license dogs to be allowed to run at large
Section 6, all moneys received for permits or fines shall be
appropriated for the benefit of schools, District #1
" 9 Ordinance 6, restraining swine from running at large, and
regulations drawn up for licensing amusements
" 10 11/9/1856 Marshall instructed to procure a lot for a pound
for dogs and hogs
" 11 12/22/1856 Amount paid to treasury \$119, out \$5.75, balance
\$113.25 Dogs licensed, named Fanny, Curly, Scratch, Snapp,
Roxie and Towser
" 12 3/16/1857 Election of officers Tuesday, 7th day of April
" 13 3/16/1857 Paid John McClure \$10 rent and services for the year
" 13 3/30/1857 Legal voters notified to vote at the office of
John McClure
" 17 4/20/1857 Ordinance 10 passed, requiring bonds of Recorder,
Treasurer and Marshal
" 13 7/6/1857 Caleb Goodwin granted a license to keep a grocery store
" 18 8/2/1857 Trenchard, Hustler & Co. authorized to construct a
wharf on the Street on the eastern terminus of Concomly Street,
and charge wharfage.
" 22 12/7/1857 Dog licenses reduced from \$4 to \$2
\$500 appropriated to buy the saloon of C. Goodwin, so it may
be used for other than a tippling house
" 23 2/1/1858 \$135.50 For payment of teacher, also an ordinance
proposed to restrain the use of fire arms in town
" 25 4/9/1858 Lots drawn to settle disputed election
" 23 6/2/1858 Bids received for filling East half of Main St.
between Chenamus and Concomly
" 23 8/3/1858 Elections scheduled for August, 1858 in Court House

Page 2 9/6/1858 An ordinance drawn to restrain sheep from running
at large within the town; an ordinance to provide ladders and
buckets for the use of the town in fighting fires; an
ordinance to provide for working out the road tax due
" 31 11/4/1858 Ordinance 19 for the assessment and collection
of taxes
" 34 6/6/1859 Committee formed to ascertain the most suitable
site for a cemetery reactivated. The board adjourned while
discussing the cemetery when the Steamer Multnomah was
heard to arrive
" 35 7/4/1859 The trustees refused to pay the thirty dollars
charged by W. W. Parker for making ladders because the
charge was exorbitant
" 36 12/1/1859 21 citizens petitioned that Mr. Goodwin be allowed
to keep a grocery store
" 39 July term, 1860 The committee on roads and Harbor instructed
to ascertain whether the initial point from which the town
was surveyed is correct. It was suspected that a mistake
of fifty feet, or the width of a street, was made in
describing. The board took measures to hire a survey and
plant monuments at some convenient point where it will not
be covered by water.
" 40 August 1860 J. G. Hustler, Recorder, given a leave of ab-
sence exceeding thirty days to make a sailing voyage to and
from San Francisco. A. B. Mallock, Surveyor from Portland,
paid \$52 for surveying the town of Astoria. Resolved that
the treasurer pay to the Clerk of School District #1 all
moneys in the treasury from dog taxes.
" 41 January 1861. Wm. Twilight licensed to keep a grocery,
\$219.95 in the treasury.
" 43 6/8/1861 Ordered that the street commissioner apply the road
money and road work for the current year as may be necessary
to construct a log or corduroy bridge twelve feet wide along
the middle of Squemaqua St. from Main St. Westward across
the marsh and a ditch along Benton Street.
" 44 9/5/1861 Reported that \$160.52 had been spent on roads with
\$4.27 left unexpended and \$20.86 yet to be collected. It
was ordered that the remainder of the funds be spent on the
new county road leading from Astoria to the military road
leading from Astoria to Salem.
" 44 9/5/1861 W. H. Twilight applied for a licence to sell spir-
itous liquors and paid a \$50 license.
" 44 1/2/1862 Thomas Goodwin received a license to sell liquors
at the Astor saloon.
" 45 4/3/1862 Henry Miller licenced to keep a grocery at the house
known as the Bonita Saloon.
" 46 5/3/1862 A special committee appointed to obtain a suitable
place for a cemetery for the town.
" 48 7/7/1862 The citizens of the town are requested to meet at
the school house on July 12th to deliberate on the subject
of a public cemetery and give the Board the benefit of their
advice.
" 49 D. W. Lowell licensed to sell liquor in the Monitor Saloon, 12/4/18
" 49 1/28/1863 Thomas Goodwin licensed to sell liquor in the Astor
Saloon. The treasurer was authorized to pay the tuition of
the children of Mrs. Easley for the ensuing quarter

Schoenleber

- Page 51 4/10/1863 The Pony Saloon licensed for 6 months. \$400 appropriated to construct a bridge and side walk along Jefferson Street from Cass Street eastward across the bay. \$17.50 appropriated to construct a side walk from the custom house to C. J. Trenchards.
- " 53 7/6/1863 \$72 appropriated to pay for a plank walk, from the Custom house west to the foot of the hill at Mr. Nolen lot.
- " 53 8/3/1863 A petition presented by citizens to have Shively's Astoria correctly surveyed
- " 55 10/6/1863 The Star Saloon licensed for six months
- " 57 4/16/1864 Two hundred dollars appropriated to assist the county in building a county jail.
- " 57 5/5/1864 Voted to appropriate fifteen dollars for the use of the building back of the Court House for a town jail, that being half the expense of fitting it up.
- " 58 6/2/1864 A bill presented for shackles, hand cuffs, locks and keys amounting to \$18.75 in coin, or \$32.32 Legal Tenders.
- " 58 7/7/1864 The Cemetery committee recommended accepting the offer of J. M. Shively to give to the town two acres of land on the west line, and purchasing additional land to make a cemetery of sufficient size.
- " 60 5/5/1865 Mr. Mickerson employed to repair the stove pipe in the meeting room and procure a half cord of wood, saw it up and put it in the wood house.
- " 60 2/2/1865 Eight dollars paid for surveying five acres of ground for the cemetery.
- " 63 5/4/1865 Sealed proposals for clearing off the ground for a cemetery opened
- " 67 12/5/1865 An ordinance introduced to prevent shooting within the town
- " 74 \$15 paid to Clatsop County for whitewashing council room, \$25.75 paid for a stove and pipe, and \$36.50 spent for a desk and chairs for the council room, April 2, 1867
- " 76 Wm. L. McEwen, Esq. hired as city attorney for \$50.00 per annum, June 4, 1867.
- " 78 A petition was presented by J. M. Shively asking to have the dead bodies removed from the old grave yard to the new one, July 2n 1867.
- " 79 The city attorney was instructed to draw up regulations to prevent the introduction of contagious diseases into town, July 11, 1867.
- " 94 1/5/1869 a public meeting was called to ask the citizens to take measures to prevent the spread of small pox.
- " 95 1/12/1869 The Ladys of the town presented a petition praying that no more liquor licenses be granted after that date.
- " 95 A committee of three appointed to provide a pest house, and engaging a Health Officer, 1/12/1869.
- " 96 1/22/1869 A committee appointed to investigate obtaining a jail for the city.
- " 102 7/26/1869 Wm. Chance appointed Health Officer whose duty it was to place guards at places where contagious disease existed, and 4 watchmen were hired at \$3.00 per day.

- Page 104 A bill was presented for services rendered to Philip Johnson Family during the prevalence of the small pox in driving up his cow during the time of the family confinement to their premises, eleven days
- " 111 5/3/1870, the bond required of the board of trustees increased from \$550 to \$1000 each member.
- " 112 6/7/1870 a petition was presented asking that the slaughter house be
- " 112 7/5/1870 Recorder instructed to collect information relative to the Astoria Cemetery - how many lots sold, how many paid for, by whom the lots were sold, if notes are due, etc.
- " 114 11/1/1870 ordered that an election be held to levy a tax for the purpose of furnishing a Fire Engine Company with an engine house and purchasing a bell.
- " 117 11/12/1870 34 votes cast in favor of the tax and 7 against the tax to equip a fire station.
- " 117 11/19/1870 It was determined that the election was informal, and irregular, and ordinance was redrafted to ask for \$800 by special tax to purchase a fire engine.
- " 118 12/6/1870 The clerk directed to prepare an assessment roll.
- " 119 12/15/1870 The assessment roll was laid before the board and ordered that a tax of 4 1/2 mills per cent be levied on all the taxable property within the corporate limits of the town.
- " 119 Captain Flavel proposed to sell the Town of Astoria a fire engine and 250 feet of hose in his possession for \$1,050, which was accepted. Also proposed that an inspector of weights and measures be appointed for the county.
- " 123 Lot number one, Block 28, in Olney's Astoria, leased from the County for the purpose of building a Fire Engine House, and the south half of lots 7 & 8 of that block to build a city jail.
- " 127 7/6/1871 an ordinance was drafted to prevent the careless and wanton growth, cultivation and indifferently casting of the plant called digitalis and commonly known as fox glove.
- " 130 8/17/1871 Carle Bosco granted a license, without fee, to give an exhibition of sleight of hand in the Spiritual Hall for the benefit of the Astoria Fire Engine Company. Voted that the firemen of the city be allowed to take the fire engine to Portland on the 4th of September, if they should so desire.